

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2002-28

Petition of Thomas and Patricia Twining  
27 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 25, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS AND PATRICIA TWINING requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of an existing nonconforming one-story 9.7 foot by 14.2 foot screened porch with less than the required right side yard setback, for use as a heated four-season room, at their nonconforming dwelling with less than the required right side yard setback, at 27 APPLEBY ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On April 4, 2002, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Thomas Twining. In response to questions from the Board, Mr. Twining said they had no intent to add a second story above the porch, and would not object to condition stating that no second story could be added. The porch was part of the original structure, but does not have a full foundation, and is in very bad condition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 27 Appleby Road, in a 10,000 square foot Single Residence District, on a 10,110 square foot lot with a minimum right side yard clearance of 10.2 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of an existing nonconforming 14.2 foot by 9.7 foot screened porch for use as a four-season room, with a minimum right side yard setback of 10.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A plot plan dated 2/6/02, stamped by Bruce Bradford, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 3/12/02, stamped by Thomas J. Rovero, Registered Architect; and photographs were submitted.

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On April 23, 2002, the Planning Board reviewed the petition and offered no objection, but was of the opinion that no future second floor should be constructed above the porch.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

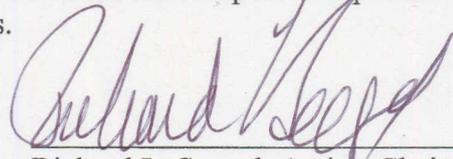
It is the finding of this Authority that the proposed enclosure of the existing nonconforming 14.2 foot by 9.7 foot screened porch with a minimum left side yard setback of 10.2 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the existing nonconformance will not be intensified nor will new nonconformity be created because there will be no change in the footprint.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to enclose the nonconforming screened porch in accordance with the submitted plot plan and construction drawings, subject to the condition that no second story be built above the existing porch.

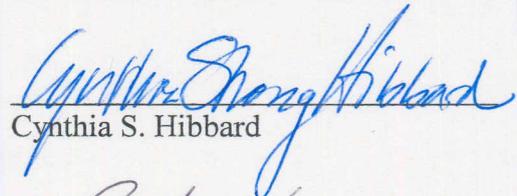
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

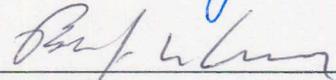
Cc: Planning Board  
Inspector of Buildings  
edg



Richard L. Seegel, Acting Chairman



Cynthia S. Hibbard



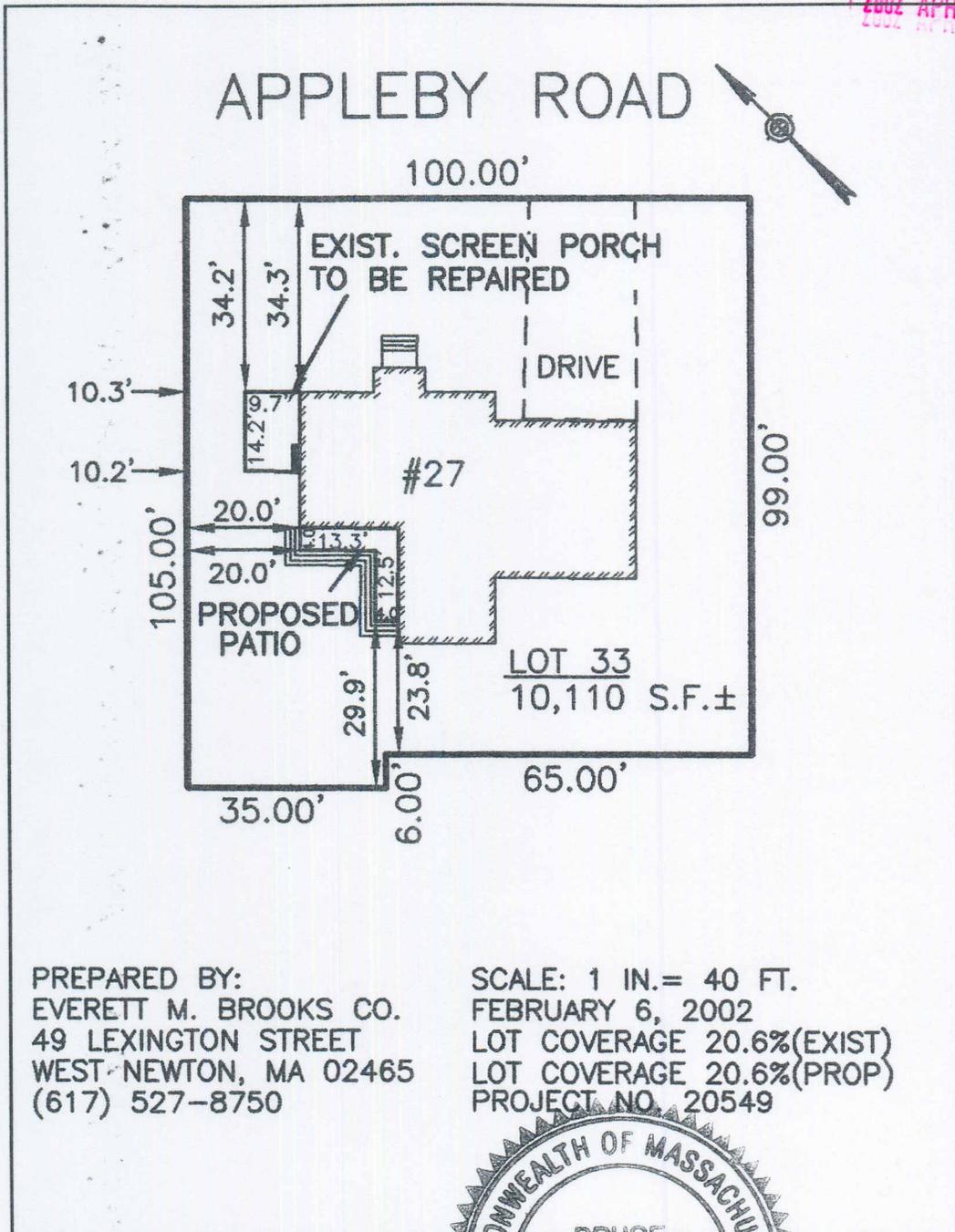
Robert W. Levy

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PROPOSED CONSTRUCTION  
CERTIFIED PLOT PLAN

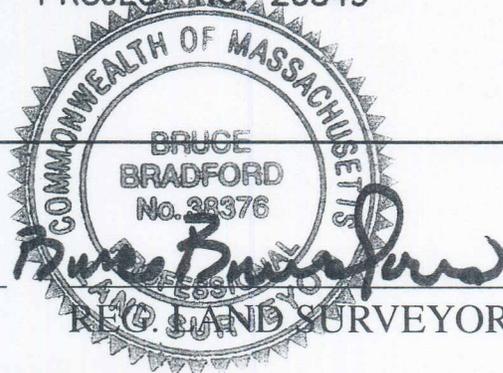
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2002 APR -4 A 11:08



PREPARED BY:  
EVERETT M. BROOKS CO.  
49 LEXINGTON STREET  
WEST NEWTON, MA 02465  
(617) 527-8750

SCALE: 1 IN. = 40 FT.  
FEBRUARY 6, 2002  
LOT COVERAGE 20.6%(EXIST)  
LOT COVERAGE 20.6%(PROP)  
PROJECT NO. 20549



2/6/02

DATE

617-527-8750

PHONE

NEWTON, MA

ADDRESS